

heard earlier, to offer three amendments. It allows for every single Member of this House, Democrat or Republican, to be able to offer an amendment to this bill.

This is something new compared to the way the Rules Committee was run under the previous leadership. This is a rule that allows people to be able to heard, to be able to bring their views to the floor, and to be able to debate them. For the gentleman from Texas or the gentleman from Georgia or anybody else to complain that somehow this is a restrictive rule just defies the facts.

The fact of the matter is that under their leadership, restrictive rules were the norm. Closed rules were the norm. Not once, not once did I hear anybody on the other side complain about the restrictive rule or closed rule or even vote against the closed rule. This allows every single Member who wanted to offer an amendment to offer an amendment.

This is an open rule with a preprinted requirement. This is a good rule. I would urge all my colleagues to support the rule.

The material previously referred to by Mr. SESSIONS is as follows:

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress,

(page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

AMENDMENT TO H. RES. 301 OFFERED BY REP. SESSIONS OF TEXAS

On page 2, lines 18 and 19, strike "in a daily issue dated April 17, 2007, or earlier".

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1361, RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to

the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1361 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend and cochair of Florida's congressional delegation, Representative LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself as much time as I may consume.

□ 1320

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 302.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, as the Clerk just read, this rule provides for consideration of H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery, or RECOVER, Act of 2007 under a structured rule.

Continuing our ongoing efforts to provide the minority with opportunities to amend and improve legislation on the House floor, the rule also makes in order all three Republican amendments that were submitted to the Rules Committee.

Mr. Speaker, as someone who represents a district which has been victim to countless natural disasters, I have known about the Small Business Administration's disaster loan program for quite some time.

Businesses in the district I am privileged to serve and the district of my good friend Mr. DIAZ-BALART and throughout South Florida have relied on this program to sustain themselves during the difficult days, weeks and months following natural disasters. Loans provided under SBA's disaster loan assistance program have, at times, literally kept Florida's economy going.

While I have seen the greatness of this program, Mr. Speaker, I and my constituents have also seen its shortcomings. Indeed, the problems addressed in the underlying legislation, and I commend the Chair's recommendations and their efforts in that regard, but the problems are not new, and they certainly were not created by Hurricanes Katrina, Rita or Wilma. On the contrary, they have manifested for quite some time and have been raised by me and many of my colleagues in Florida over the years.

In Florida, we saw SBA's limitations during the 2004 hurricane season. By no fault of its own, SBA was inundated with loan applications and overwhelmed by the situation. Long delays in application processing and slow disbursements of approved loans led many in my part of the country to question why Congress didn't do anything at the time to increase the Small Business Administration's capacity during disasters.

Although it took the largest disaster of our time for us to open up our eyes, I am pleased that this Congress under this leadership is giving the SBA the tools that it needs to keep America's small businesses in business after a disaster.

The RECOVER Act enhances the SBA's capacity to provide assistance during and after natural disasters. The legislation mandates that the SBA establish and maintain a comprehensive disaster plan which will be overseen by a new associate administrator for disaster assistance.

Using FEMA's citizen volunteer program as its model, the underlying legislation establishes a disaster reserve corps capable of providing the people-power necessary to respond to an influx of SBA loan applications.

The RECOVER Act improves SBA's customer service operation and increases the limit of SBA disaster loans from \$1.5 million to \$3 million. It also expands the scope of organizations which can qualify for such loans and makes it easier for businesses to pay back their loans.

The bill also requires improved disaster response coordination between the SBA and FEMA. This is a critical, yet unfortunate, requirement of the bill. Critical because coordination during disasters across agency lines is desperately needed; unfortunate, notwithstanding of the fact that these things are going to occur, I am dumbfounded that our agencies aren't already coordinating to the maximum extent possible during disasters.

I have participated in the conversations, sat in the meetings where coordination between agencies is nonexistent during disasters. Turf battles supersede logic, and coordination is a distant memory of the past.

I ask: Why does it take an act of Congress to get Federal agencies to coordinate their efforts when authorization for such coordination already exists? The only turf that matters and should matter during disasters is the turf of the American people.

We have to be in the business of providing our citizens with every available resource to respond to and recover from disasters. The underlying legislation does just that.

I am proud to support this rule and the underlying legislation, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), the co-chairman of the Florida congressional delegation, for the time, and I yield myself such time as I may consume.

Small business, Mr. Speaker, is the engine that drives our economic strength. Small businesses employ over half of all private sector workers and pay approximately 45 percent of U.S. private payroll.

Over the last decade, small businesses have generated 60 to 80 percent of new jobs. We must not take the amazing performance of small businesses for granted, however, Mr. Speaker. They often don't have the financial structure and support to help them quickly recover from major natural disasters. If small businesses fail in the aftermath of a natural disaster, it only slows the recovery of the area.

Storms have often punished the community that I am honored to represent. In 1992, Hurricane Andrew, a category 5 storm, devastated much of South Florida. Until 2005, Hurricane Andrew was the costliest natural disaster in our history, causing over \$26 billion of damage to South Florida. Entire communities were totally destroyed. Especially hard hit were many of the small businesses that make up a major part of the South Florida economy. Fifteen years later, the effects of that storm can still be felt.

The SBA was one of the many Federal agencies that suffered a breakdown in operations during the rebuilding efforts after the 2005 hurricane season. The disaster loan program of the

SBA is the Federal Government's main source of natural disaster rebuilding assistance and has come under fire for problems and delays in granting loans to homeowners, renters and businesses affected by the hurricanes.

I think we need to do all that we can to ensure that the backbone of our country, small businesses, are not crippled in a storm's aftermath and that those small businesses can play a leading role in the recovery of affected areas.

This underlying legislation better prepares the SBA to handle future disasters by requiring, among other reforms, that the agency develop a comprehensive disaster response plan, improve training, streamline information tracking systems, follow-up processes and more efficiently distribute disaster loans by partnering with private lenders.

There is at least one point of contention in the underlying legislation. Section 211 modifies the subsidy rate assigned to SBA disaster loans by providing for double compensation under the provision that a disaster victim could receive both a grant and a loan for the same damage. This provision requires a direct appropriation. As such, it violates PAYGO rules.

The manager's amendment by the distinguished chairman, Ms. VELÁZQUEZ, does correct the PAYGO problem by making the section subject to available appropriations. It still does not address the underlying issue in contention, however, Mr. Speaker, which is, why should someone be compensated twice for the same injury? It is a legitimate point of contention which obviously merits debate.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentlewoman from Florida, our colleague on the Rules Committee, Ms. CASTOR.

Ms. CASTOR. Mr. Speaker, I thank my distinguished colleague from the Rules Committee.

Mr. Speaker, I rise in strong support of the RECOVER Act and this rule which charts a new direction for emergency and hurricane planning, because the Federal Government simply must be ready to respond in a crisis.

Small Business Committee Chair NYDIA VELÁZQUEZ and her committee deserve credit for understanding the expectations of the American people, who have insisted upon better disaster relief planning.

My colleagues from Florida, and indeed, our neighbors and citizens across the gulf coast, begin to feel a bit apprehensive this time of year because hurricane season is only a few weeks away. Yes, we are all worried about the potential landfall of a hurricane, but we are also just as concerned about the administration's ability to deal with the aftermath.

Following the Bush administration's poor response to the 2005 gulf coast hurricanes, the new Congress has pledged to strengthen disaster planning and response, and we are following through here today. The RECOVER Act will improve the Small Business Administration's disaster response plans and assess its technology, telecommunications and personnel in advance.

In the event of another hurricane or natural disaster, small business owners will face costs of starting up again, so this act increases the funds available for disaster loans from \$1.5 to \$3 million. And importantly for the hard-working folks like those in my district in the Tampa Bay area, small business owners will no longer be required to pledge their homes as collateral for business loans less than \$100,000.

The act also requires the SBA to improve coordination with State and local authorities and establishes a disaster relief corps of 1,000 trained individuals.

So, Mr. Speaker, I strongly urge approval of this rule and the RECOVER Act so that our country is better prepared for hurricane season and the swift recovery of our communities and small businesses.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to my good friend, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I can certainly understand my former colleagues on the Rules Committee, the gentleman from Florida (Mr. HASTINGS), the gentleman from Florida (Mr. DIAZ-BALART), the gentlelady from Florida (Ms. CASTOR) being in favor of this rule and this underlying bill.

But I rise, Mr. Speaker, in strong opposition to the underlying legislation, H.R. 1361, the RECOVER Act. This legislation is bad fiscal policy. It increases the cost to America's taxpayers of providing disaster assistance, while increasing the probability that the Federal Government will lose money to default losses.

It was Huey Long, the long-time Governor and Senator from Louisiana, the gulf coast, the Kingfish, as he was known, who said, "I can frighten or buy 99 out of every 100 men."

Mr. Speaker, I am not suggesting that my Democratic colleagues are trying to buy votes with this bill. But I do know that we need to closely examine the money our government spends to ensure that it is spent responsibly.

We have worked hard to fund the redevelopment of the gulf coast, committing more than \$110 billion of Federal resources. That includes \$4.7 billion to FEMA to remove debris and repair and rebuild public infrastructure and buildings; \$17 billion from HUD for Community Development Block Grants, the largest housing recovery program in United States history; \$6 billion for the Corps of Engineers to rebuild and restore levees so that we can rebuild

below sea level; \$16.1 billion paid out in national flood insurance claims, \$1 billion for Health and Human Services to cover all of Louisiana's health care costs. And the list, Mr. Speaker, goes on and on.

There are right ways and wrong ways to fund redevelopment. This Congress has delivered \$14 billion in incentives to spur private business investment and economic development to create jobs, another \$600 million in Gulf Opportunity Zone tax credits to the region, with an additional \$400 million expected to be awarded this fall to encourage more business investment. But today we are debating a bill which would harm small business across the Nation by giving away money that will never, and I repeat, that will never get repaid.

Mr. Speaker, provisions in title II of this bill would allow gulf businesses whose application for a disaster loan has been denied, to then receive \$100,000 in grant money. And if a business has already received a loan, this bill will make sure that same business can also get a grant, and in the process, they will make certain that the grant money is not used to repay the loan.

So, yes, Mr. Speaker, you heard right. If the SBA decides your business is not viable enough for a loan, Congress is going to come in and just give you the money. What is more, now you can get paid twice for the same disaster.

Mr. Speaker, the sad fact is, this bill will hurt small businesses across the country. When the SBA makes a loan and that loan is repaid, the SBA loans that money to another business, and the cycle repeats itself. But by removing the repayment part of this cycle and requiring the SBA to send a \$100,000 grant to those businesses who do not qualify for a disaster loan in the first place, we are diluting the resources of the SBA and hindering its ability to extend loans to businesses in other parts of the country, businesses fully capable of repaying them.

Mr. Speaker, my Democratic colleagues are ignoring any semblance of restraint by treating our Treasury as a bottomless pit. In raising the risk of unrecoverable default losses, by giving away free money, it would certainly seem they are doing their level best to prove Huey Long's words to be true.

I urge my colleagues, vote against the rule and vote against the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I would like to inquire of the gentleman from Florida, Mr. Speaker, if he has any remaining speakers. I am the last speaker for this side.

Mr. LINCOLN DIAZ-BALART of Florida. I have no more speakers.

Mr. HASTINGS of Florida. Then I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we have no further speakers and yield back.

Mr. HASTINGS of Florida. Mr. Speaker, disasters in this country are not limited to hurricanes or the Southeast. As I was saying yesterday in the Rules Committee, the chairwoman had storms in her district earlier this week, and there is massive drought going on in parts of this country. All of these are disasters and all of these have major SBA implications.

I have lived, and continue to live, in disaster-prone areas, like so many others in Congress and in this country. If our failures of the past have taught us anything, it is that we can no longer be response oriented when it comes to disasters.

Mitigation and planning saves money, saves time, and most importantly, saves lives.

The RECOVER Act creates a comprehensive and universal plan at the SBA for disaster response. It is the first step on this important path to improving the Federal Government's response to disasters.

I urge a "yes" vote on the rule, the previous question, and the underlying legislation.

Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on adoption of the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed, in the following order:

Ordering the previous question on H. Res. 301;

Adoption of H. Res. 301, if requested; The motion to suspend the rules and adopt H. Res. 306.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

□ 1340

#### PROVIDING FOR CONSIDERATION OF H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 301, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 8, as follows: